



**United States Environmental Protection Agency
Region I - New England
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912**

FEB 02 2015

**Certified Mail
Return Receipt Required**

Mr. Timothy M. Donovan, Member
BC Exchange Place LLC
c/o Ms. Pamela Goodman, President & CEO
Beacon Communities LLC
Two Center Plaza, Suite 700
Boston, MA 02108

Re: Request for Information, Docket No. CWA-308-R01-FY16-54
Discharge of oil during oil delivery to Exchange Place Towers located at 44 Center Street, Waterbury, CT ("Facility"), on or around October 19, 2015, into Great Brook and the Naugatuck River

Dear Ms. Goodman:

To enable EPA to determine whether this discharge violated Section 311(b)(3) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321, you are hereby required, under the authority of Sections 308 and 311(m) of the Act, 33 U.S.C. §§ 1318 and 1321(m), to answer the questions attached to this letter and to send your response, within 30 calendar days of your receipt of this letter, to:

Joseph Canzano, P.E.
Oil Spill Prevention Compliance Coordinator
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

Please be advised that noncompliance with the Clean Water Act may subject you to both injunctive relief and penalties. EPA reserves its right to take further enforcement action pursuant to the Clean Water Act, including the right to seek civil penalties, for any violations, including those described above.

Please be further advised that compliance with this information request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition, providing false, fictitious, or

fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Enclosed with this information request letter is an information sheet intended to assist small businesses, as defined by the Small Business Administration ("SBA") at 13 C.F.R. § 121.201, in understanding and complying with environmental regulations. EPA routinely provides this information to businesses in the course of its enforcement activities, whether or not they are a small business as defined by the SBA. The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an agency enforcement activity. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that availing yourself of this opportunity does not relieve BC Exchange Place, LLC of its responsibility to comply with federal law and this information request.

Your response to this Request must be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request on behalf of the company. The certification must state that your response is complete and contains all information and documentation available to you that is responsive to the Request. A Statement of Certification is enclosed with this letter.

If you have any questions concerning your compliance with this letter, please contact Joseph Canzano, the Region 1 Oil Spill Prevention Compliance Coordinator, directly at (617) 918-1763, or have your attorney contact Jeffrey Kopf, Senior Enforcement Counsel, at (617) 918-1796.

Sincerely,



James Chow, Manager,
Technical Enforcement Office
Office of Environmental Stewardship

cc: Ms. Laura M. Sklaver, Esq., Registered Agent, BC Exchange Place LLC
Jeff Kopf, Senior Enforcement Counsel, EPA Region 1
Joseph Canzano, Oil Spill Prevention Compliance Coordinator, EPA Region 1

Enclosure to Information Request

Re: Discharge of oil during oil delivery to Exchange Place Towers located at 44 Center Street, Waterbury, CT ("Facility"), on or around October 19, 2015, into Great Brook and the Naugatuck River

1. General Business and Ownership Information Questions

- a. Specify the full legal name(s) with the exact spelling, the business mailing address, and telephone number for each of the following:

- BC Exchange Place, LLC; and
- Beacon Communities, LLC.

For each entity above: specify the state of incorporation and the principal place of business; the names and addresses of all of the officers and/or members; if any of the above listed entities has a parent company, list the parent name and address; and provide the name and title of the individual who is responsible for the entity's compliance with environmental laws and regulations. Describe any other corporate or agency relationship between the entities identified above.

- b. Provide a list of all facilities owned by BC Exchange Place LLC, including the name, location, and total number of employees at each facility.
- c. Provide the date the Facility first began operation and, if different, the date the current owner took over ownership of the Facility. If the Facility is operated by an entity other than the owner, also include the date the current operator took over operation of the Facility.
- d. Provide a list of all the oil storage capacity at the Facility, both underground and aboveground (including, tanks, drums, transformers, oil-filled systems, etc.) and the type of oil stored in each container. Indicate each container's age and method of construction (e.g., single or double wall, welded or riveted, steel or fiberglass). Also indicate whether any secondary containment is provided around each container, and, if so, its method of construction (earth berm, steel wall, concrete block wall, poured concrete wall) and the total volume it can contain. Under 40 C.F.R. § 112.2, "oil" is defined as oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil. Please note a building structure may not be used for sized secondary containment unless the building including floor and walls has been specifically designed and constructed for such use.
- e. From October 2010 to the present, provide a copy of all employee training and tank inspection records. If training and inspection records are not available, please explain the absence of such records.
- f. Describe the liquid level measuring and overflow alarm equipment being used to determine the amount of oil in each container at the Facility. Describe training

provided to oil handling personnel on how to read, record and/or measure the level of oil in each container. Provide (if applicable) written procedures for Facility personnel to accept oil into a container. If no such documentation is available, please explain the absence of such records.

- g. Identify any instruction provided to oil delivery truck drivers for measuring the amount of liquid/oil in containers at the Facility. Provide documentation of these instructions. If no such documentation is available, please explain the absence of such documentation.
 - h. Provide the date the Facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. § 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons).
 - i. Provide the aggregate shell capacity for all above ground oil tanks and containers equal to or greater than 55 gallons in size at the Facility.
 - j. Indicate whether the Facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the Facility. Provide the date of the last review of the SPCC plan by a professional engineer and signed by management, as noted in the SPCC plan, and as required by 40 C.F.R. § 112.5(b). Provide a copy of the SPCC plan, including the professional engineer review and management signature page(s).
 - k. If the Facility is required to prepare or amend the SPCC Plan, provide the additional following information:
 - i. The cost of preparing/amending the SPCC Plan;
 - ii. The cost of implementing the new/amended SPCC Plan (including the cost of constructing additional secondary containment at the Facility); and
 - iii. The ongoing annual costs of implementing the new/amended SPCC Plan, over and above the annual costs of the old SPCC Plan (including training, inspections and record keeping).
 - l. If you have determined that a facility is no longer or never has been subject to the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, and is therefore not required to have an SPCC Plan, provide an explanation supporting such determination, including appropriate documentation.
2. Please provide a detailed description of the above-referenced discharge, including:
- a. Provide the date and time the discharge occurred, the date and time the discharge was discovered, and the date and time the discharge was reported to the National Response Center and any other appropriate federal, state and/or local agencies (e.g., EPA, state environmental agency, fire department). Include the name and phone number of the agency personnel contacted.

- b. If the spilled oil entered one or more bodies of water, or their adjoining shorelines, provide the name of each body of water.
- c. Provide the volume of oil spilled, the volume entering a water body or adjoining shoreline, and the grade of oil spilled.
- d. Describe, in detail, the exact pathway spilled oil traveled, starting from the original spill point to all water bodies into which the oil flowed. Your explanation of the exact pathway shall include all routes the oil traveled including, but not limited to, any sumps, sump pumps, and public and/or private sewer piping systems. Regarding floor drain sumps and/or sump pumps, indicate the location of all sumps and/or sump pumps in areas in the building where oil containers are present and have a potential to convey spilled oil to surface waters, and indicate (if applicable) if sump pump(s) activate automatically or manually. Provide a response that addresses the date the sump(s) and/or sump pumps and associated piping for such systems in the building was installed and by whom.
- e. Provide the age and volume of the tank from which the oil spilled, the type of liquid leveling sensing device on the tank (e.g., remote high level liquid with audio and visual signal). If the tank doesn't have a liquid leveling sensing alarm device (audible or visual) for the operator filling the tank to directly observe when filling the tank, indicate the exact means by which liquid level in the tank was determined prior to introducing oil into the tank on the day of the incident/spill. Identify all staff involved in determining the liquid level. For each staff member, provide:
 - i. the number of years employed by the company;
 - ii. the number of years he/she has been determining the liquid level of oil tanks/containers at the Facility; and
 - iii. the type and date(s) of training provided regarding determining the liquid level of oil tanks/containers at the Facility.
- f. Describe the extent to which the discharge caused a film or sheen on the surface of the water or adjoining shoreline, and/or caused a sludge or emulsion to be deposited on the water body bottom or on adjoining shorelines.
- g. Describe any environmental damage resulting from the spill, such as fish kills, dead waterfowl or animals, stained vegetation or soil, etc. Provide any documentation in your possession related to the environmental damage resulting from the spill.
- h. Describe any damage to public or private property, such as road surfaces, bridge abutments, dams, beaches, boat hulls, wells, etc.
- i. Provide a summary of events immediately preceding the spill event, including the probable cause of the spill.

- j. Describe any actions taken to control and/or remove the spilled material from the environment or to mitigate its effects on the environment, including a summary of the costs of such actions. Please provide copies of all clean-up contractor invoices and manifests.
 - k. Describe, in detail, any measures taken after the spill event to prevent a recurrence, including any estimated or actual costs for such measures.
 - l. Provide the names, titles, addresses and phone numbers of employees and officials you believe to have knowledge of the facts surrounding the spill event.
 - m. Provide copies of any investigative reports by state environmental agencies, state or local police, fire departments, insurance companies, etc.
3. Provide any additional information which you wish to bring to the attention of EPA.

End of questions.

Statement of Certification For
BC Exchange Place LLC

(To be returned with Response to Request for Information)

I declare under penalty of perjury that I am authorized to respond on behalf of BC Exchange Place LLC and I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Print Name)

(Title)

(Date)



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.tercenter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.